

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MARK A. VANDENBOOM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:23-cv-00787-JPH-TAB
	)	
BRIAN CLARKE,	)	
	)	
Defendant.	)	

**ORDER DISMISSING CASE**

Mark VandenBoom alleges that Dr. Brian Clarke performed unnecessary and inappropriate procedures on him. Dkts. 1, 1-1. Because it did not appear that the Court had jurisdiction over Mr. VandenBoom's claim, he was ordered to show cause why his case should not be dismissed. Dkt. 6. Mr. VandenBoom has filed a "Response to Amend Jurisdictional Statement," dkt. 8, which the Court construes as a response to its show-cause order.

In this filing, Mr. VandenBoom reiterates his position that this Court has jurisdiction because Dr. Clarke allegedly violated 18 U.S.C. § 1347, the federal health-care fraud criminal statute. *Id.* at 1. But, as the Court previously stated, "§ 1347 is a criminal statute; it does not contain any private right of action that would allow a plaintiff to sue for money damages in a civil case." Dkt. 6 at 2 (citing *Chapa v. Adams*, 168 F.3d 1036, 1038 (7th Cir. 1999)).

Mr. VandenBoom also appears to argue that, because Dr. Clarke's alleged fraud is the subject of another case pending in federal court, this

Court has jurisdiction, too. Dkt. 8 at 1 (citing *United States et al. v. Cmty. Health Network, Inc. et al.*, No. 1:14-cv-1215-RLY-MKK (S.D. Ind.)). But the claims in that case are based on the False Claims Act, 31 U.S.C. § 3729, *et seq.* See No. 1:14-cv-1215-RLY-MKK, dkt. 96. That's not the theory Mr. VandenBoom is proceeding under, *see* dkt. 1, so the jurisdiction analysis is different. And, as stated, the Court has neither federal-question nor diversity-of-citizenship jurisdiction over this case. See dkt. 6.

Thus, this case is **DISMISSED without prejudice** for lack of jurisdiction. Final judgment will issue by separate entry.

**SO ORDERED.**

Date: 7/13/2023

Distribution:  
MARK A. VANDENBOOM  
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James Patrick Hanlon  
United States District Judge  
Southern District of Indiana